



REPORT (2018) OF THE COMMITTEE ON GOVERNMENT PROCUREMENT

1 INTRODUCTION

1.1. This report covers the period since the Committee's previous Annual Report¹, namely mid-November 2017 through end-November 2018. It is issued pursuant to Article XXI:3 of the Agreement on Government Procurement (GPA) as amended by the Protocol Amending the Agreement on Government Procurement, done at Geneva on 30 March 2012 (the "revised Agreement" or "revised GPA") and Article XXIV:7(a) of the 1994 Agreement on Government Procurement ("the 1994 Agreement" or "the GPA 1994").² This reflects the entry into force of the revised Agreement on 6 April 2014 and the fact that one Party continues to be bound only by the 1994 Agreement.³

1.2. The Committee has had an active and productive year. Since the date of circulation of its last Annual Report (16 November 2017), it has held four formal meetings in Geneva: on 14 March 2018; on 27 June 2018; on 17 October 2018 and on 27 November 2018.⁴ The meetings in March and June were chaired by Mr John Newham (Ireland); the meetings in October and in November were chaired by Mr Carlos Vanderloo (Canada).⁵ The Committee has also held a series of informal meetings, also chaired by Mr Newham and subsequently by Mr Vanderloo, focusing on the implementation of the revised Agreement; accessions to the Agreement; the Committee's agreed Work Programmes; and other matters, in the weeks beginning 12 March 2018; 25 June 2018; and 15 October 2018, respectively. A further informal discussion, on the accession of the United Kingdom to the GPA in its own right, was held on 27 November 2018, just prior to the Committee's end of year formal meeting.

1.3. Among other highlights, the Committee notes the progress achieved with respect to work on accession to the Agreement by several WTO Members not currently Parties to it, in particular the successful conclusion of the negotiations on Australia's accession and the adoption of a Committee Decision inviting Australia to the Agreement in October 2018.⁶ In addition, a request for observer status from Belarus was received and approved by the Committee. Significant work was also done with respect to the Committee's agreed Work Programmes, notably those dealing with: (i) Sustainable Procurement; (ii) the Collection and Reporting of Statistical Data; and (iii) Small and Medium-sized Enterprises (SMEs).⁷

1.4. The following 47 WTO Members are currently covered by the Agreement: Armenia; Canada; the European Union, with its 28 member States (normally counted as a single Party); Hong Kong, China; Iceland; Israel; Japan; the Republic of Korea ("Korea"); Liechtenstein; the Republic of Moldova; Montenegro; the Kingdom of the Netherlands with respect to Aruba; New Zealand; Norway; Singapore; Switzerland (the GPA 1994 only); the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu ("Chinese Taipei"); Ukraine and the United States of America.

1.5. Thirty-two WTO Members/Observers have observer status in the Committee on Government Procurement: Afghanistan, Albania, Argentina, Australia, Bahrain, Belarus, Brazil, Cameroon, Chile,

¹ GPA/145, dated 16 November 2017 and GPA/145/Corr.1, dated 17 November 2017.

² The 1994 Agreement and the revised Agreement are hereafter referred to together as the "Agreement on Government Procurement" or "GPA" or "Agreement".

³ See, for relevant details, Part 2 below.

⁴ GPA/M/71, dated 25 May 2018; GPA/M/72, dated 5 October 2018; and GPA/M/73, to be issued.

⁵ At its formal meeting of 27 June 2018, the Committee elected Mr Vanderloo as Chairman for the remainder of 2018 (GPA/M/72, dated 5 October 2018, paragraph 1.5).

⁶ See, for relevant details, Part 3 below.

⁷ See, for relevant details, Part 4 below.

China, Colombia, Costa Rica, Georgia, India, Indonesia, Jordan, Kazakhstan, the Kyrgyz Republic, Malaysia, Mongolia, Oman, Pakistan, Panama, the Russian Federation, Saudi Arabia, Seychelles, Sri Lanka, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Turkey, and Viet Nam. The observership of Belarus was approved, at its request, during the reporting period, and was warmly welcomed by the Committee.⁸ Four intergovernmental organizations, namely the International Monetary Fund (IMF), the International Trade Centre (ITC), the Organization for Economic Co-operation and Development (OECD) and the United Nations Conference on Trade and Development (UNCTAD), also have observer status.

1.6. The Committee considers the GPA – particularly the revised Agreement which came into force in 2014 – to be an important tool of trade and development in the twenty-first century, contributing not only to market access for Parties' goods, services and suppliers, based on principles of reciprocity and to the extent determined by Parties, but also to the transparency of Parties' procurement systems and to good governance. It is pleased with the progress made during the year on accessions to the Agreement, including the adoption of the Decision inviting Australia to accede to the GPA on the basis of the terms negotiated by the Parties; and on the Committee's Work Programmes. It encourages interest in the Agreement on the part of WTO Members not currently Parties or Observers to it, and invites them to consider the potential advantages of association, whether as Parties or as Observers.

1.7. The remaining sections of this Report deal with the work done by the Committee during the year, with particular reference to: (i) the implementation of the Agreement, including its entry into force; (ii) accessions to the Agreement; (iii) the Committee's agreed Work Programmes; and (iv) notifications made pursuant to the Agreement.

2 THE IMPLEMENTATION OF THE AGREEMENT

2.1 Entry into force of the revised Agreement

2.1. As recounted in the Committee's four previous Annual Reports⁹, the revised Agreement entered into force on 6 April 2014, 30 days after the submission of formal acceptances of the "Protocol Amending the Agreement on Government Procurement" by two thirds of the Agreement's Parties. As a result of additional acceptances received and accessions that have taken place, the revised Agreement is in force for all Parties except Switzerland.¹⁰ The latter has continued to provide regular updates to the Committee on related developments and has assured the Committee that it will provide its acceptance as soon as possible, taking account of relevant internal requirements and legislative procedures.¹¹ These are now at an advanced stage.

2.2 Continuing development of the "e-GPA" system

2.2. As noted in previous Annual Reports, the aim of the e-GPA system is to provide a single entry point for market access and related information under the revised Agreement, to serve as an information resource for governments, businesses and other interested parties.¹² In prior periods, an initial version of the system (e-GPA 2.0) was completed and made publicly accessible via the WTO's website (<https://e-gpa.wto.org/>) ("Phase II"). During the reporting period, further progress was made in the development of the next phase ("Phase III"). Completion of Phase III is expected to further improve the visibility, transparency and accessibility to information on the market access and related information, as well as to facilitate the efficient administration of the Agreement by Parties and the Secretariat.

⁸ GPA/M/72, dated 5 October 2018, paragraph 2.2. Observership to the Agreement is open to all WTO Members and Observers.

⁹ See GPA/145, dated 16 November 2017, section 2.1, GPA/141, dated 29 November 2016, section 2.1, GPA/134, dated 16 November 2015, section 2.1, and GPA/126, dated 26 November 2014, section 2.

¹⁰ A list of the instrument of acceptances and accessions is provided in GPA/141, dated 29 November 2016, paragraphs 2.1 and 2.2; and GPA/126, dated 26 November 2014, paragraph 2.3.

¹¹ As the delegation of Switzerland has made clear, the delay in submission of its instrument of acceptance is not due to any substantive reservations regarding the content of the revised Agreement; rather, it reflects a need for completion of on-going internal legislative procedures to harmonize Swiss procurement legislation at the federal and cantonal levels.

¹² See, GPA/145, dated 16 November 2017, section 2.3, GPA/141, dated 29 November 2016, section 2.3, GPA/134, dated 16 November 2015, section 2.2, and GPA/126, dated 26 November 2014, section 4.6.

2.3. The Committee looks forward to further improvements to the e-GPA system, including the development by the Secretariat of tools to facilitate the circulation of Parties' statistical reports and other notifications under the Agreement, to be undertaken in consultation with delegations.

2.3 Decision items considered by the Committee during the year

2.4. During the Committee's informal sessions held in March, June and October 2018, the Committee's attention was drawn to several decision items that are built into the revised Agreement and/or the various related decisions that were adopted at the time the negotiations were concluded.¹³ In the course of the Committee's end-of-year formal meeting held on 27 November 2018, the Committee discussed these items and agreed to proceed as follows:

- The Committee's mandate pursuant to paragraph 6 of the Decision on notification requirements under Articles XIX and XXII of the Agreement (GPA/113, Annex A, Appendix 2, pp 436-437) to review, within four years of the Decision's adoption, the operation and effectiveness of the Decision, and to make any necessary adjustments. The Committee noted that in the light of the on-going period of co-existence between the 1994 GPA and the revised Agreement, only one Party, Canada, has, to date, made use of the simplified notification procedures that are permitted under the Committee's Decision. In the light of this, the Committee decided to defer a discussion on this item to a point in time in which the revised Agreement is in force for all GPA Parties and more Parties have experience using the new procedures;
- The requirement, in Article XXII:10 of the revised GPA, that "Not later than the end of the fifth year from the date of entry into force of the Protocol Amending the Agreement on Government Procurement, the Committee shall examine the applicability of Article XX:2(b)" concerning non-violation complaints. The Committee will consider what action, if any, may be appropriate in relation to this item, in the course of 2019; and
- The requirement, in Article V:10 of the revised Agreement, that the Committee "shall review the operation and effectiveness of [Article V on Developing Countries] every five years." The Committee will consider what action, if any, may be appropriate in relation to this item, in the course of 2019.

2.4 Procedures for the circulation, derestriction and translation of GPA-related documents

2.5. In October 2018, the Secretariat circulated a Note setting out information on procedures currently in use for the circulation, derestriction and translation of GPA-related documents.¹⁴ The purpose of the Note was to clarify the handling of the relevant procedures and facilitate their review, if desired, by the Committee, with the overall objectives of facilitating the administration of the Agreement and ensuring an appropriate level of transparency for WTO Members and the general public. In the course of the Committee's informal discussions in October 2018, the Secretariat introduced the Note and the Committee agreed to revert to this topic during its meetings in February 2019.

2.5 Future work mandated by Articles XXII:7 and XIX:8 of the revised GPA

2.6. With respect to the provision in Article XXII:7 that "Not later than the end of three years from the date of entry into force of the Protocol Amending the Agreement on Government Procurement, adopted on 30 March 2012, and periodically thereafter, the Parties shall undertake further negotiations, with a view to improving this Agreement, progressively reducing and eliminating discriminatory measures, and achieving the greatest possible extension of its coverage among all Parties on the basis of mutual reciprocity, taking into consideration the needs of developing countries," the Committee will take this up as and when it is considered useful and timely to do so, in the light, *inter alia*, of progress achieved in the Committee's Work Programmes.

¹³ RD/GPA/62, dated 18 June 2018, paragraphs 2.1-2.2; and RD/GPA/67, dated 5 October 2018, paragraphs 2.1.

¹⁴ RD/GPA/68, dated 11 October 2018.

2.7. Likewise, the mandate in Article XIX:8 calling for the adoption, by the Committee, of decisions on indicative criteria and criteria for determining the level of compensatory adjustment to complement the decision that has been adopted regarding arbitration procedures,¹⁵ will be taken up as and when it is considered useful and timely to do so.

2.6 Notifications

2.8. Information concerning notifications pursuant to the Agreement is set out in Part 5 of this Report.

3 ACCESSIONS TO THE AGREEMENT

3.1. The Committee continues to attach great importance to its work on currently pending and future accessions to the Agreement, which it expects to further enhance both the extent of market access commitments under, and the systemic relevance of, the Agreement. Significant progress was made on this aspect of the Committee's work during the review period. Relevant developments included: (i) the successful conclusion of the negotiations on Australia's accession and the adoption of a related Committee Decision; (ii) the initiation of the accession of the United Kingdom to the Agreement in its own right; and (iii) further deliberations on the accessions of China, the Russian Federation, the former Yugoslav Republic of Macedonia, the Kyrgyz Republic and Tajikistan. The following provides additional details regarding these particular accessions and other developments.

3.1 Successful conclusion of the negotiations on Australia's accession and related Committee Decision

3.2. Australia applied for accession to the GPA on 2 June 2015.¹⁶ Subsequently, in 2015, 2016 and 2017, dedicated discussions on Australia's accession took place in the Committee on multiple occasions based on: (i) its initial market access offer circulated on 8 September 2015;¹⁷ (ii) its replies to the Checklist of Issues circulated on 24 September 2015;¹⁸ (iii) its first revised market access offer circulated on 30 September 2016;¹⁹ and (iv) its second revised market access offer circulated on 2 June 2017.²⁰ In the course of those discussions, Parties confirmed that they considered Australia's second revised offer to be a strong one. Several Parties, nonetheless, noted outstanding concerns that they hoped to see addressed. Written exchanges on Australia's second revised offer were conducted intersessionally.²¹

3.3. Australia's final market access offer was circulated on 7 March 2018²², and was the subject of discussions at the Committee's meetings held on 14 March 2018 and on 27 June 2018. In the course of those discussions, Australia indicated that its final offer was a very comprehensive one and went beyond the coverage reflected in any of its bilateral or regional trade agreements.

3.4. Subsequently, a draft decision on Australia's accession was circulated by the Secretariat on 16 July 2018.²³ On 28 September 2018, an updated version of the decision was circulated to reflect the consequential changes introduced by several Parties to their own schedules in response to Australia's accession.²⁴ At the Committee's formal meeting held on 17 October 2018, the Committee adopted the revised draft decision. The Committee's formal Decision inviting Australia to accede to the Agreement on the terms agreed, within a period of twelve months from the date on which the Decision was adopted, was circulated on 23 October 2018.²⁵

¹⁵ GPA/139, dated 23 June 2016.

¹⁶ GPA/129, dated 2 June 2015.

¹⁷ GPA/ACC/AUS/1, dated 8 September 2015 and GPA/ACC/AUS/1/Add.1, dated 9 September 2015.

¹⁸ GPA/ACC/AUS/2, dated 24 September 2015.

¹⁹ GPA/ACC/AUS/17, dated 30 September 2016; and GPA/ACC/AUS/17/Corr.1, dated 14 October 2016.

²⁰ GPA/ACC/AUS/29, dated 2 June 2017.

²¹ Ukraine - GPA/ACC/AUS/34, dated 5 July 2017; and the European Union - GPA/ACC/AUS/35, dated 17 July 2017. Replies from Australia to the questions from Ukraine: GPA/ACC/AUS/37, dated 7 March 2018; and to the questions from the European Union - GPA/ACC/AUS/38, dated 8 March 2018.

²² GPA/ACC/AUS/36, dated 7 March 2018.

²³ GPA/ACC/AUS/39, dated 16 July 2018.

²⁴ GPA/ACC/AUS/39/Rev.1, dated 28 September 2018.

²⁵ GPA/CD/1, dated 23 October 2018.

3.5. The Committee considers Australia's accession to the GPA to be a matter of considerable importance for the Agreement, as: (i) it adds very significantly to the total value of market access commitments under the Agreement; (ii) it strengthens the Committee and the Agreement by the addition of a very important and dynamic economy, Australia, with deep experience in and a strong commitment to open and transparent government procurement and to the multilateral system; (iii) it sends a clear and very positive signal about the relevance of the Agreement to other actual and potential accession candidates; and (iv) it further illustrates and manifests the can-do approach of the Committee and the Parties' commitment to the Agreement. The Committee, therefore, encourages Australia to complete its internal ratification procedures and to submit its instrument of accession as soon as possible.

3.2 The initiation of the United Kingdom's accession to the Agreement in its own right, and related progress achieved

3.6. The United Kingdom applied for accession to the GPA in its own right, through a communication by the European Union, on 1 June 2018.²⁶ Its initial market access offer and its replies to the Checklist of Issues were submitted by the European Union on the same day.²⁷ A preliminary discussion on this accession was held at the Committee's informal session of 27 June 2018. In the course of that discussion, taking the floor following the introduction by the European Union, the United Kingdom expressed its strong desire to continue to participate in the GPA, without interruption, following its withdrawal from the European Union, and expressed the hope that its accession process could be concluded swiftly. Numerous Parties indicated their support for the United Kingdom's continuing participation in the Agreement following its withdrawal from the European Union. At that time, a number of Parties indicated that they needed more time to review the United Kingdom's offer and its replies to the Checklist of Issues. Some requested the United Kingdom to fully update its proposed market access schedules. The question of the relationship of the UK's GPA accession to any transition agreement between the United Kingdom and the European Union was also flagged as an issue of interest to delegations. Subsequently, written exchanges on the initial market access offer and the replies to the Checklist of Issues were conducted between a number of Parties and the United Kingdom intersessionally.²⁸

3.7. On 2 October 2018, the United Kingdom circulated, via the European Union, a final market access offer.²⁹ A further discussion was held during the Committee's meeting of 17 October 2018. In the course of that discussion, taking the floor following the introduction by the European Union, the United Kingdom introduced its final offer and stated its willingness to update its proposed schedules within three months of completing its proposed accession and its schedules coming into force, using the procedures set out in Article XIX of the Agreement. Parties took note of this, and a number of them indicated that they were already in a position to approve, in principle, the United Kingdom's accession. Other Parties said that the United Kingdom would need to undertake further steps to provide the necessary degree of clarity with respect to its eventual coverage and/or to address other outstanding concerns, before work on its accession could be successfully concluded.

3.8. A further discussion on this accession was held in an informal meeting just prior to the Committee's end-of-year formal meeting on 27 November 2018. In the course of this informal discussion, the Committee:

²⁶ GPA/146, dated 5 June 2018.

²⁷ GPA/ACC/GBR/1, dated 5 June 2018; see also GPA/ACC/GBR/1/Rev.1, dated 14 June 2018; and GPA/ACC/GBR/2, dated 5 June 2018.

²⁸ Comments from Ukraine - GPA/ACC/GBR/3, dated 22 June 2018; from Moldova - GPA/ACC/GBR/4, dated 27 June 2018; from the United States - GPA/ACC/GBR/8, dated 19 July 2018, GPA/ACC/GBR/13, dated 10 September 2018 and GPA/ACC/GBR/14, dated 10 September 2018; from Chinese Taipei - GPA/ACC/GBR/11, dated 8 August 2018; and from New Zealand - GPA/ACC/GBR/12, dated 4 September 2018. Replies from the United Kingdom to comments from Ukraine - GPA/ACC/GBR/5, dated 19 July 2018; to Moldova - GPA/ACC/GBR/7, dated 19 July 2018; to the United States - GPA/ACC/GBR/9, dated 3 August 2018, GPA/ACC/GBR/10, dated 3 August 2018, GPA/ACC/GBR/17, dated 5 October 2018, and GPA/ACC/GBR/18, dated 5 October 2018; to Chinese Taipei - GPA/ACC/GBR/15, dated 13 September 2018; and to New Zealand - GPA/ACC/GBR/19, dated 8 October 2018.

²⁹ GPA/ACC/GBR/16, dated 2 October 2018.

- Noted that there is clear support by the GPA Parties for the United Kingdom's accession to the GPA in its own right, on the basis of its final market access offer submitted on 2 October 2018;
- Took note of the European Union's statement referring to the joint position of the European Union and the United Kingdom that, under the draft Withdrawal Agreement, the United Kingdom would accede to the GPA in its own right at the end of the transition period. Until the date of expiry of such transition period during which the GPA applies to the United Kingdom, the United Kingdom would be treated as a member State of the European Union;
- Welcomed the informal circulation of the positions of the GPA Parties as expressed in the course of the informal meeting in order to facilitate further discussions and the drafting of the decision; and
- Agreed to return to the issue at a further meeting to be scheduled in the coming weeks.

3.3 Further deliberations on the accessions of China, the Russian Federation, the former Yugoslav Republic of Macedonia, the Kyrgyz Republic and Tajikistan

3.3.1 China

3.9. China applied for accession to the GPA on 28 December 2007³⁰, honouring its commitment to initiate GPA accession negotiations made in the course of its accession to the WTO in 2001.³¹ Its initial market access offer was circulated to the Committee in January 2008.³² Since then, five further offers have been circulated by China.³³ Discussions dedicated to China's accession have taken place on multiple occasions over the last 10 years.³⁴

3.10. During the reporting period, continuing dialogue took place on next steps regarding this accession during the Committee's meetings held in March, June and October 2018. In the course of those discussions, Parties, while welcoming China's continued engagement, encouraged China to speed up its accession process by submitting the expected new offer as soon as possible, taking account of the outstanding requests for improvement. China reaffirmed its plan to circulate a further revised and high-quality offer, at a time to be determined, with comprehensive improvements, in particular concerning the coverage of sub-central government entities and state-owned enterprises (SOEs).³⁵ It indicated that efforts were being made at home to prepare the next revised offer, to

³⁰ GPA/93, dated 14 January 2008.

³¹ WT/ACC/CHN/49, dated 1 October 2001 and WT/MIN(01)/3, dated 10 November 2001, paras. 340 and 341: "The representative of China [responded] that China would become an observer to the GPA upon accession to the WTO Agreement and initiate negotiations for membership in the GPA by tabling an Appendix 1 offer as soon as possible. The Working Party took note of these commitments."

³² GPA/ACC/CHN/1, dated 7 January 2008.

³³ The first revised offer - GPA/ACC/CHN/16, dated 9 July 2010; the second revised offer - GPA/ACC/CHN/30, dated 30 November 2011; the third revised offer - GPA/ACC/CHN/41, dated 29 November 2012; the fourth revised offer - GPA/ACC/CHN/44, dated 6 January 2014; and the fifth revised offer - GPA/ACC/CHN/47, dated 7 December 2015.

³⁴ See Report (2008) of the Committee on Government Procurement to the General Council (GPA/95, dated 9 December 2008, paragraph 13); Report (2009) of the Committee on Government Procurement to the General Council (GPA/103, dated 12 November 2009, paragraphs 15-17); Report (2010) of the Committee on Government Procurement to the General Council (GPA/106, dated 9 December 2010, paragraphs 21-25); Report (2011) of the Committee on Government Procurement to the General Council (GPA/110, dated 16 November 2011, paragraphs 10-13); Report (2012) of the Committee on Government Procurement to the General Council (GPA/116, dated 6 December 2012, paragraphs 16-19); Report (2013) of the Committee on Government Procurement to the General Council (GPA/121, dated 24 October 2013, paragraphs 3.9.-3.13.); Report (2014) of the Committee on Government Procurement to the General Council (GPA/126, dated 26 November 2014, paragraphs 3.14.-3.18.); Report (2015) of the Committee on Government Procurement to the General Council (GPA/134, dated 16 November 2015, paragraphs 3.28.-3.32.); Report (2016) of the Committee on Government Procurement to the General Council (GPA/141, dated 29 November 2016, paragraphs 3.18.-3.30.); and Report (2017) of the Committee on Government Procurement to the General Council (GPA/145, dated 16 November 2017, paragraphs 3.16.-3.18.).

³⁵ See details contained in the Summary of the Informal Plurilateral Discussion on Accessions to the Agreement on Government Procurement, 27 June 2018, as contained in RD/GPA/66, dated 21 September 2018, section 3.

draft its updated replies to the Checklist of Issues and to deepen its ongoing procurement reforms and capacity to implement the Agreement. It also reported on intersessional bilateral consultations with relevant GPA Parties.

3.11. The Committee notes and is encouraged by President Xi's announcement, made on 10 April 2018, that China will accelerate the process of its accession to the GPA.³⁶ It remains of the view that China's GPA accession, on mutually agreeable and appropriate terms, is a matter of significance for the Agreement, for the WTO, and for the world economy; and an important signal for other emerging economies. It hopes that a further revised offer responding to Parties' outstanding requests will be circulated by China as soon as possible and that further progress on this accession will follow.

3.3.2 Russian Federation

3.12. The Russian Federation applied for accession to the GPA in August 2016³⁷, honouring its commitment to initiate GPA accession negotiations made in the course of its accession to the WTO in 2012.³⁸ Its initial market access offer was circulated on 7 June 2017 and its replies to the Checklist of Issues together with its government procurement law were circulated on 22 January 2018.³⁹

3.13. Dedicated discussions on the Russian Federation's accession, based on the above documents, were held during the Committee's meetings held in 2017 and in March and June 2018. In the course of those discussions, Parties, while warmly welcoming the Russian Federation's initial efforts, pointed out a number of perceived shortcomings of the offer and requested a number of improvements, including the removal of Crimea and Sevastopol from the list of entities at the sub-central level of government in the delegation's replies to the Checklist of Issues. Written exchanges on the initial market access offer and the replies to the Checklist were conducted between the Parties and the Russian Federation intersessionally.⁴⁰

3.14. On 25 September 2018, an edited initial market access offer and edited replies to the Checklist of Issues were circulated by the Russian Federation.⁴¹ A further discussion on this accession was held during the Committee's meetings of 17 October 2018. In the course of that discussion, the Russian Federation reported on work that was taking place internally to enlist the participation of sub-central government entities and to further update the Russian Federation's procurement legislation. Parties welcomed the active engagement shown by the Russian Federation in submitting

³⁶ See RD/GPA/66, dated 21 September 2018, paragraph 3.2.

³⁷ GPA/140, dated 22 August 2016.

³⁸ WT/ACC/RUS/70, dated 17 November 2011, paragraph 1143: "The representative of the Russian Federation confirmed the intention of the Russian Federation to join the WTO Agreement on Government Procurement and to notify the Committee on Government Procurement to this effect at the time of accession of the Russian Federation to the WTO and to ensure that from the date of accession, its government agencies would award contracts in a transparent manner according to published laws, regulations and guidelines. He also confirmed that the Russian Federation would request observership in the WTO Agreement on Government Procurement at the time of its accession to the WTO and would initiate negotiations for membership in the WTO Agreement on Government Procurement by tabling an Appendix 1 offer within four years of accession. He confirmed that, if the results of the negotiations were satisfactory to the interests of the Russian Federation and the other Members of the Agreement, the Russian Federation would accede to that Agreement. The Working Party took note of these commitments."

³⁹ GPA/ACC/RUS/1, dated 7 June 2017; and GPA/ACC/RUS/8, dated 22 January 2018.

⁴⁰ Comments from Chinese Taipei on the initial market access offer - GPA/ACC/RUS/2, dated 8 August 2017; from Hong Kong, China - GPA/ACC/RUS/3, dated 6 September 2017; from the European Union - GPA/ACC/RUS/4, dated 27 September 2017; from New Zealand - GPA/ACC/RUS/5, dated 10 October 2017; from the EFTA countries - GPA/ACC/RUS/6, dated 12 October 2017; from Ukraine - GPA/ACC/RUS/7, dated 9 January 2018; from Israel - GPA/ACC/RUS/9, dated 2 February 2018; from the United States - GPA/ACC/RUS/10, dated 14 May 2018; and from Korea - GPA/ACC/RUS/12, dated 18 May 2018. The Russian Federation's replies to the comments from Chinese Taipei - GPA/ACC/RUS/13, dated 22 June 2018; to Hong Kong, China - GPA/ACC/RUS/14, dated 22 June 2018; to the European Union - GPA/ACC/RUS/15, dated 25 June 2018; to New Zealand - GPA/ACC/RUS/16, dated 25 June 2018; to the EFTA countries - GPA/ACC/RUS/17, dated 25 June 2018; to Israel - GPA/ACC/RUS/18, dated 25 June 2018; to Ukraine - GPA/ACC/RUS/19, dated 12 October 2018; to the United States - GPA/ACC/RUS/20, dated 12 October 2018; and to Korea - GPA/ACC/RUS/21, dated 15 October 2018. Comments from the United States on the replies to the Checklist - GPA/ACC/RUS/11, dated 14 May 2018. The Russian Federation's replies to the United States' comments - GPA/ACC/RUS/22, dated 15 October 2018.

⁴¹ GPA/ACC/RUS/1/Rev.1, dated 25 September 2018; and GPA/ACC/RUS/8/Rev.1, dated 25 September 2018.

edited documents and responding to questions and comments. They stressed the need for significant further improvements in the Russian Federation's proposed coverage, and encouraged it to submit an ambitious revised offer as soon as possible, as a basis for further constructive discussion.

3.15. The Committee considers that the Russian Federation's accession, when it occurs and on mutually agreeable and appropriate terms, will be a very significant addition to the GPA and will benefit the Russian Federation, the GPA Committee and the multilateral trading system. It hopes that a revised market access offer responding to the Parties' requests will be circulated as soon as possible, and that good progress will be made on the Russian Federation's accession to the GPA in 2019.

3.3.3 The former Yugoslav Republic of Macedonia

3.16. Pursuant to a commitment it undertook in the course of its WTO accession in 2002⁴², the former Yugoslav Republic of Macedonia applied for GPA accession in March 2017.⁴³ Its draft procurement law and replies to the Checklist of Issues were circulated on 31 March 2017.⁴⁴ The former Yugoslav Republic of Macedonia's initial market access offer was circulated on 28 February 2018⁴⁵, and was the subject of discussion at the Committee's meetings held in March, June and October 2018.

3.17. In the course of those discussions, the former Yugoslav Republic of Macedonia highlighted that its initial coverage offer was very comprehensive, offering a very wide coverage of its public procurement market to all GPA Parties. In terms of its government procurement regime, the former Yugoslav Republic of Macedonia indicated that it was preparing a new law on public procurement in order to comply fully with the GPA provisions as well as to bring its procurement system substantially in line with the EU procurement regulations, a requirement deriving from its status as a candidate country for the EU membership. The country also reported on progress that had been made in the implementation of the full-scale electronic procurement system and the changes of certain aspects of procurement procedures to level the playing field for all suppliers.

3.18. Bearing these developments in mind, the former Yugoslav Republic of Macedonia expressed its hope to conclude its accession negotiation with all due speed.⁴⁶ While strong support was expressed for the country's accession to the Agreement, some Parties also expressed concerns regarding certain country-specific restrictions on coverage contained in the initial market access offer and the approach to be followed regarding this accession. Written exchanges on the initial market access offer and the replies to the Checklist of Issues were also conducted between the Parties and the former Yugoslav Republic of Macedonia intersessionally.⁴⁷

3.19. The Committee welcomes the engagement of the former Yugoslav Republic of Macedonia regarding its GPA accession, encourages the former Yugoslav Republic of Macedonia and those Parties with particular concerns regarding its proposed terms of accession to work together to resolve these concerns, and hopes that this accession can be concluded in 2019.

⁴² WT/ACC/807/27, dated 26 September 2002, paragraph 177: "The representative of FYROM confirmed that, upon accession to the WTO, the Government of FYROM would initiate negotiations for membership in the Agreement on Government Procurement by tabling an entity offer. He also confirmed that, if the results of the negotiations were satisfactory to the interests of FYROM and the other members of the Agreement, FYROM would complete negotiations for membership in the Agreement within two years of accession. The Working Party took note of these commitments."

⁴³ GPA/143, dated 17 March 2017.

⁴⁴ GPA/ACC/MKD/1, dated 31 March 2017.

⁴⁵ GPA/ACC/MKD/4, dated 28 February 2018.

⁴⁶ See details contained in the Summary of the Informal Plurilateral Discussion on Accessions to the Agreement on Government Procurement, 14 March 2018, as contained in RD/GPA/61, dated 23 May 2018; and the Summary of the Informal Plurilateral Discussion on Accessions to the Agreement on Government Procurement, 27 June 2018, as contained in RD/GPA/66, dated 21 September 2018.

⁴⁷ Comments from the European Union on the initial market access offer - GPA/ACC/MKD/5, dated 7 May 2018; from the United States - GPA/ACC/MKD/6, dated 18 June 2018; and from Ukraine - GPA/ACC/MKD/7, dated 22 June 2018. Replies from the former Yugoslav Republic of Macedonia to the comments from the United States - GPA/ACC/MKD/8, dated 17 September 2018; and to Ukraine - GPA/ACC/MKD/9, dated 17 September 2018. Comments from the United States on the draft Law and the replies to the Checklist of Issues - GPA/ACC/MKD/2, dated 6 June 2017. Replies to these comments - GPA/ACC/MKD/3, dated 27 July 2017.

3.3.4 Kyrgyz Republic

3.20. The Kyrgyz Republic applied for accession to the GPA in May 1999⁴⁸, honouring its commitment to initiate GPA accession negotiations, made in the course of its accession to the WTO in 1998.⁴⁹ Following a period of minimal activity, work on this accession was resumed in January 2016 with the circulation of the Kyrgyz Republic's Law on Public Procurement and a revised and updated coverage offer.⁵⁰ Dedicated discussions on the accession of the Kyrgyz Republic took place in 2016, 2017 and early 2018, based on: (i) the above-mentioned first revised market access offer; (ii) its second revised offer circulated on 26 May 2016;⁵¹ (iii) its third revised market access offer circulated on 4 October 2016;⁵² (iv) its draft Amendments to the Law on Public Procurement circulated on 6 October 2016;⁵³ and (v) its revised replies to the Checklist of Issues were circulated on 14 June 2017.⁵⁴

3.21. In the course of those discussions, Parties, for the most part, expressed the view that the third revised market access offer was a relatively strong one and that the delegation's accession process could be brought to a conclusion fairly swiftly, if some specific outstanding concerns were resolved. Written exchanges on the third revised offer and on the draft law were conducted between the Parties and the Kyrgyz Republic intersessionally.⁵⁵

3.22. The Kyrgyz Republic's fourth revised offer was circulated on 21 June 2018.⁵⁶ The fourth revised offer was the subject of discussion at the Committee's meetings held on 27 June 2018 and on 17 October 2018. In the course of those discussions, the Kyrgyz Republic outlined its efforts under way toward concluding its accession negotiations as soon as possible on the basis of its comprehensive offer and the on-going reform of its legislation. Parties, while welcoming the engagement and continued interest of the Kyrgyz Republic in joining the Agreement, reiterated that specific remaining concerns would need to be resolved. Written comments on this offer were circulated by Hong Kong, China on 2 July 2018.⁵⁷ Replies to these comments were circulated by the Kyrgyz Republic on 8 October 2018.⁵⁸

3.23. The Committee encourages the Kyrgyz Republic to address Parties' outstanding concerns as quickly as possible. To facilitate this, Parties are encouraged to submit any outstanding written comments and questions as soon as possible. The Committee hopes that this accession can be concluded in 2019, subject to mutually satisfactory outcomes.

⁴⁸ GPA/SPEC/4, dated 19 May 1999.

⁴⁹ WT/ACC/KGZ/26, dated 31 July 1998, paragraph 120: "The representative of the Kyrgyz Republic stated that the Kyrgyz Republic would initiate negotiations for membership in the Government Procurement Agreement upon accession by tabling an entity offer at that time. He also confirmed that, if the results of the negotiations were satisfactory to the Kyrgyz Republic and the signatories of the Agreement, the Kyrgyz Republic would complete negotiations for membership in the Agreement by 31 December 1999. The Working Party took note of this commitment."

⁵⁰ GPA/ACC/KGZ/2, dated 7 January 2016; and GPA/ACC/KGZ/3, dated 19 January 2016.

⁵¹ GPA/ACC/KGZ/6, dated 26 May 2016.

⁵² GPA/ACC/KGZ/12, dated 4 October 2016.

⁵³ GPA/ACC/KGZ/13, dated 6 October 2016.

⁵⁴ GPA/ACC/KGZ/26, dated 14 June 2017.

⁵⁵ Comments from the European Union regarding the third revised market access offer - GPA/ACC/KGZ/20, dated 21 December 2016; from Ukraine - GPA/ACC/KGZ/21, dated 12 January 2017; and from the United States - GPA/ACC/KGZ/23, dated 9 February 2017. Replies from the Kyrgyz Republic to the questions from the United States - GPA/ACC/KGZ/24, dated 2 June 2017; and to the questions from Ukraine - GPA/ACC/KGZ/25, dated 8 June 2017. Comments from the European Union regarding the draft law - GPA/ACC/KGZ/20, dated 21 December 2016; from Ukraine - GPA/ACC/KGZ/22, dated 12 January 2017; and from the United States - GPA/ACC/KGZ/23, dated 9 February 2017. Replies from the Kyrgyz Republic to the United States - GPA/ACC/KGZ/24, dated 2 June 2017; and to Ukraine - GPA/ACC/KGZ/25, dated 8 June 2017.

⁵⁶ GPA/ACC/KGZ/27, dated 21 June 2018.

⁵⁷ GPA/ACC/KGZ/28, dated 2 July 2018.

⁵⁸ GPA/ACC/KGZ/29, dated 8 October 2018.

3.3.5 Tajikistan

3.24. Tajikistan applied for accession to the GPA in February 2015⁵⁹, to honour its commitment to initiate GPA accession negotiations, made in the course of its accession to the WTO in March 2013.⁶⁰ Dedicated discussions on Tajikistan's accession were held on multiple occasions in the course of the Committee's meetings held in 2015 and 2016, based on: (i) its initial market access offer circulated on 16 February 2015, (ii) its first revised offer circulated on 10 February 2016; (iii) its second revised offer circulated on 20 June 2016; and (iv) its third revised offer circulated on 18 October 2016.⁶¹ Written exchanges also took place between the Parties and Tajikistan.

3.25. Tajikistan's fourth revised offer was circulated on 20 February 2017⁶² and was discussed at the Committee's meetings held in 2017 and in 2018. In the course of those discussions, some Parties expressed continuing concerns mainly regarding a price preference programme in Annex 7. In response, Tajikistan indicated that it would reconsider the issue of its proposed price preference in a positive manner. Written comments on Tajikistan's fourth revised offer were circulated by the United States on 13 March 2017 and by the European Union on 8 June 2017.⁶³ During the Committee's meeting held on 17 October 2018, Tajikistan indicated that the work on approval of a further revised offer was under way in Dushanbe and hoped to submit it shortly.

3.26. With regard to its relevant legislation and the government procurement system, Tajikistan's draft Law on Public Procurement was circulated on 15 September 2015 and its replies to the Checklist of Issues on 12 November 2015.⁶⁴ Subsequently, written exchanges on the draft law and the replies to the Checklist of issues were conducted between Parties and Tajikistan.⁶⁵ At the Committee's meetings held in 2017 and in 2018, Tajikistan indicated that the new law was at the final stage of adoption.

3.27. The Committee encourages Tajikistan to complete the remaining steps needed to bring its accession process to a successful conclusion, by addressing the few remaining issues that must be resolved before its accession can be approved. It hopes the accession process can be concluded, on a mutually satisfactory basis, in 2019.

3.4 Other Pending Accessions

3.28. During the reporting period, the Committee also kept under review the status of other pending GPA accessions and accession commitments. Apart from the above-mentioned seven accessions, four other WTO Members have formally initiated work on their respective accessions to the Agreement: Albania, Georgia, Jordan and Oman. A further five WTO Members have provisions regarding accession to the Agreement in their respective Protocols of Accession to the WTO:

⁵⁹ GPA/127, dated 12 February 2015.

⁶⁰ WT/ACC/TJK/30, dated 6 November 2012, paragraph 244: "The representative of Tajikistan confirmed Tajikistan's willingness to accede to the WTO Agreement on Government Procurement. Tajikistan would become an observer to the Agreement upon accession, and submit an application for membership with a coverage offer within one year after accession to the WTO. The Working Party took note of these commitments."

⁶¹ The initial market access offer - GPA/ACC/TJK/1, dated 16 February 2015; the first revised offer - GPA/ACC/TJK/9, dated 10 February 2016; the second revised offer - GPA/ACC/TJK/23, dated 20 June 2016; and the third revised GPA/ACC/TJK/30, dated 18 October 2016.

⁶² GPA/ACC/TJK/41, dated 20 February 2017.

⁶³ Comments from the United States - GPA/ACC/TJK/46, dated 13 March 2017; and from the European Union - GPA/ACC/TJK/47, dated 8 June 2017.

⁶⁴ GPA/ACC/TJK/7, dated 15 September 2015, and GPA/ACC/TJK/8, dated 12 November 2015.

⁶⁵ Comments from the European Union - GPA/ACC/TJK/25, dated 25 July 2016 and GPA/ACC/TJK/38, dated 22 December 2016; from Ukraine - GPA/ACC/TJK/39, dated 12 January 2017; and from the United States - GPA/ACC/TJK/28, dated 5 August 2016. Replies to the European Union - GPA/ACC/TJK/32, dated 18 October 2016 and GPA/ACC/TJK/42, dated 21 February 2017; to Ukraine - GPA/ACC/TJK/35, dated 20 October 2016; and to the United States - GPA/ACC/TJK/37, dated 21 October 2016.

Afghanistan⁶⁶, Kazakhstan⁶⁷, Mongolia⁶⁸, Saudi Arabia⁶⁹ and Seychelles.⁷⁰ Several of these WTO Members have requested related technical assistance (see Part 3.5, below).

3.29. The Committee notes that some of the commitments mentioned have been outstanding for a considerable period, and hopes to see an acceleration of work toward their fulfilment (or, where appropriate, a commencement of work) in 2019. Technical assistance to support such work is available, where appropriate, from the WTO Secretariat, individual GPA Parties, regional donors and other sources. Relevant Members are invited and encouraged to seek such assistance.

3.5 Secretariat technical assistance and other activities relevant to GPA accessions

3.30. Pursuant to a standing request by the Committee⁷¹, the Secretariat, in the course of the Committee's meetings held in March, June and October 2018, provided brief reports on its ongoing technical assistance (TA) activities relevant to GPA accessions. During the reporting period, the Secretariat administered a growing portfolio of technical assistance activities. These comprised three global workshops held in Geneva; two regional workshops; seven national seminars; and a number of other activities. The Secretariat also continued to deepen its collaboration with other organisations active in this area, including the European Bank for Reconstruction and Development (EBRD), the Commercial Law Development Programme of the US Department of Commerce (CLDP) and the World Bank.

3.31. In Geneva, the Secretariat presented a new, 5-day, Advanced Workshop on Government Procurement for the first time in November 2017, and subsequently also in September 2018. In addition to providing practical exposure to GPA disciplines and the latest policy and related developments in the sphere of government procurement, this new Secretariat TA offering addresses the linkages between trade, government procurement and development in an integrated and coordinated way, also highlighting positive linkages with the UN Sustainable Development Goals (SDGs). Separately, in November 2018, the Secretariat organised another Advanced Workshop focused on government procurement governance issues, including the prevention of corruption and supplier collusion, and the role of domestic review. Where relevant, these activities were delivered with substantive input by a number of organisations active in this field, including EBRD and the World Bank, in addition to leading academic authorities.

⁶⁶ WT/ACC/AFG/36, dated 13 November 2015, paragraph 199: "The representative of Afghanistan confirmed Afghanistan's willingness to accede to the WTO Agreement on Government Procurement. Afghanistan would become an observer to the Agreement upon accession, and submit an application for membership with a coverage offer after accession to the WTO. He indicated that Afghanistan would consider initiation of negotiations on joining the WTO Agreement on Government Procurement within one year from the date of accession to the WTO. The Working Party took note of these commitments."

⁶⁷ WT/ACC/KAZ/93, dated 23 June 2015, paragraph 949: "The representative of Kazakhstan confirmed the intention of Kazakhstan to join the WTO Agreement on Government Procurement and to notify the WTO Committee on Government Procurement to this effect at the time of accession of Kazakhstan to the WTO and to ensure that from the date of accession, its Government agencies would award contracts in a transparent manner according to published laws, regulations and guidelines. She also confirmed that Kazakhstan would request the status of an "observer" in the WTO Agreement on Government Procurement at the time of its accession to the WTO and would initiate negotiations for membership in the WTO Agreement on Government Procurement by tabling an Appendix 1 offer within four years after accession. She confirmed that, if the results of the negotiations were satisfactory to the interests of Kazakhstan and the other Members of the Agreement, Kazakhstan would accede to that Agreement. The Working Party took note of these commitments."

⁶⁸ WT/ACC/MNG/9, dated 27 June 1996, paragraph 59: "The representative of Mongolia confirmed that his Government would seek observer status in the Committee for the Agreement on Government Procurement at the time of its accession with a view to initiating negotiations for membership thereafter. The Working Party took note of this commitment."

⁶⁹ WT/ACC/SAU/61, dated 1 November 2005, paragraph 231: "The representative of Saudi Arabia confirmed that, upon accession to the WTO, Saudi Arabia would initiate negotiations for membership in the Agreement on Government Procurement by tabling an entity offer. He also confirmed that, if the results of the negotiations were satisfactory to the interests of Saudi Arabia and the other parties to the Agreement, Saudi Arabia would complete negotiations for membership in the Agreement within a year of accession. The Working Party took note of these commitments."

⁷⁰ WT/ACC/SYC/64, dated 5 November 2014, paragraph 322: "The representative of Seychelles confirmed that, within one year from the date of accession, Seychelles would initiate negotiations to accede to the WTO Agreement on Government Procurement. The Working Party took note of this commitment."

⁷¹ GPA/106, dated 9 December 2010, paragraph 30.

3.32. GPA regional workshops were organised, respectively, for the benefit of: (i) Asia-Pacific economies, held in Thailand in January 2018; and (ii) Central and Eastern Europe, Central Asia and the Caucasus (CEECAC) countries, held in the Republic of Moldova in October 2018. The latter activity was organised in cooperation with EBRD, the United Nations Development Programme (UNDP) and the Government of the Republic of Moldova.

3.33. GPA national seminars were organised, respectively, for and at the request of: (i) Seychelles, held in April 2018; (ii) the Philippines, held in Manila also in April 2018; (iii) Brazil, held in Brasilia in May 2018; (iv) Afghanistan, held for administrative convenience in Colombo, Sri Lanka also in May 2018; (v) Kazakhstan, held in Astana in June 2018; (vi) Belarus, held in Minsk in September 2018; and (vii) the Republic of Moldova, held in Chisinau in October 2018. The activities for Afghanistan, Kazakhstan, Belarus and the Republic of Moldova were organised in cooperation with EBRD, and that for Afghanistan additionally with CLDP.

3.34. Further, the Secretariat participated as a cooperating partner in three separate Capacity-Building Workshops organised in Geneva by the EBRD under the latter's GPA Technical Cooperation Facility⁷², for the benefit of GPA acceding Members and Observers from the EBRD's area of operations. These activities were organised during the Committee's meeting weeks in March, June and October 2018, in order to assist officials participating, on behalf of their governments, in GPA accession/potential accession negotiations and/or to provide practical exposure to the Committee meetings. Significantly this year, these activities were also organised in cooperation with CLDP. Meanwhile, the Secretariat continued to pursue background conversations with the World Bank with the aim to further enhance cooperation between the two institutions in the area of government procurement, including with regard to technical assistance.

3.35. Beyond the foregoing activities, Secretariat experts also participated, by invitation, in a number of relevant activities organised by national authorities or other international organizations.⁷³

3.36. The Committee notes the importance of the Secretariat's technical assistance activities in promoting a better understanding of the GPA among WTO Members that are not yet Parties to the Agreement, and in facilitating accessions to and post-accession implementation of the Agreement. It appreciates the role that EBRD has played in supporting work on GPA accession by countries within its area of operations. It welcomes, also, the growing cooperation between the Secretariat and other donor organizations. It encourages the Secretariat to intensify its work in this area, while deepening its existing partnerships and exploring avenues for further cooperation with other agencies where possible and appropriate.

4 THE COMMITTEE'S AGREED WORK PROGRAMMES

4.1. Significant work was done by the Committee during the review period in relation to its agreed Work Programmes.⁷⁴ The Work Programmes are intended, broadly, to: (i) promote transparency with respect to Parties' implementation of the Agreement; (ii) facilitate, where relevant, improvements in the administration of the Agreement; and (iii) contribute, where appropriate, to preparations for the future negotiations that are called for in Article XXII:7 of the revised GPA.

⁷² A facility set up by EBRD to provide support for capacity building for countries in its area of operations contemplating, preparing for or acceding to the Agreement – see GPA/126, dated 26 November 2014 and GPA/126/Corr.1, dated 3 December 2014, para. 3.31.

⁷³ These included: (i) an International Workshop on e-Procurement and Cross-border Participation in Procurement, organised by Korea Public Procurement Service, Seoul, Korea, 25-27 April 2018; (ii) a Workshop on Enhancing the Participation of Women Entrepreneurs and Traders in Government Procurement, under the Buenos Aires Declaration on Trade and Women's Economic Empowerment, organised jointly by the Republic of Moldova, WTO, EBRD, ITC and International Gender Champions, in Geneva, 25 June 2018; (iii) an International Convention on Sustainable Trade and Standards (ICSTS), on the theme 'Leveraging Trade, Global Value Chains, and Standards as Engines of Sustainable Development', organized by the India National Platform on Private Sustainability Standards (India PSS Platform) and convened by the Quality Council of India, in collaboration with UNFSS, New Delhi, India, 17-18 September 2018; (iv) a Conference on 'Changes to the FIDIC Forms of Contract' - Red and Yellow Books, organised by EBRD in London, UK on 27 September 2018; (v) a Conference on Digital Transformation of Public Procurement, organised by DG GROW, the European Commission, in Lisbon, Portugal on 18 October 2018; (vi) a Forum on Public Procurement for SMEs, organised by OECD in Paris, France, on 26 October 2018; and (vii) a Workshop and related Meetings on Strategic Public Procurement, also organised by OECD in Paris, France, on 29-30 October 2018.

⁷⁴ See Annexes C, D, E, F and G of Appendix 2 of the Committee's Decision of 30 March 2012 on the Outcomes of the Negotiations (GPA/113, dated 2 April 2012).

During the year, further activity focused on the Work Programmes on: (i) Sustainable Procurement; (ii) the Collection and Reporting of Statistical Data; and (iii) SMEs. In each case, progress was facilitated by discussions held in informal small groups, the results of which were subsequently reported to the Committee as a whole.

4.1 Work Programme on Sustainable Procurement

4.2. Regarding the Work Programme on Sustainable Procurement, Paragraph 2 of the relevant Decision⁷⁵ mandates the Committee to examine topics that include: (i) the objectives of sustainable procurement; (ii) the ways in which the concept of sustainable procurement is integrated into national and sub-national procurement policies; and (iii) how sustainable procurement can be practised in a manner consistent with the principle of "best value for money", and with the Parties' international trade obligations. Paragraph 3 of the Decision provides that the Committee shall "identify measures and policies that it considers to be sustainable procurement practiced in a manner consistent with the principle of 'best value for money' and with Parties' international trade obligations and prepare a report that lists the best practices of the measures and policies".

4.3. Since the initiation of this Work Programme in April 2014, significant work has been done by the Committee. Contributions describing relevant policies, objectives and legislation have been provided by eight Parties. A compilation of all submissions received was circulated by the Secretariat in October 2016. In February 2017, the Secretariat, on request by the Committee, organised a Symposium on Sustainable Procurement for the benefit of GPA Parties and Observers.⁷⁶ Subsequently, at the Committee's request, the Secretariat prepared a report on "Key Take-aways" from the Symposium that was circulated in May 2017.⁷⁷ In the course of a follow-up discussion in June 2017, the Secretariat was asked to prepare and circulate a list of measures and policies relevant to sustainable public procurement that are mentioned in Parties' submissions and/or in the Secretariat's Report on the Symposium on Sustainable Procurement. The requested List was circulated by the Secretariat in September 2017.⁷⁸

4.4. Carrying forward the work under this Work Programme during the period under review, in March 2018, the Committee asked the Secretariat to prepare a draft report, based on directions provided by the Committee.⁷⁹ The requested draft report was circulated on 1 October 2018.⁸⁰ In the course of the Committee's discussion in October 2018, some delegations noted questions concerning the eventual status of the draft report and related matters. Parties agreed to submit comments on the draft report, with a view to having an updated draft by the end of January 2019. A further discussion on the topic is expected to take place in February 2019.

4.2 Work Programme on Collection and Reporting of Statistical Data

4.5. Regarding the Work Programme on Collection and Reporting of Statistical Data, Paragraph 1 of the relevant Decision⁸¹ calls for the Committee to: (i) review the collection and reporting of statistical data by the Parties; (ii) consider the potential of harmonizing them; and (iii) prepare a report of the results. Contributions on statistical data commenting on/responding to the topics identified in Paragraph 2 of the Decision have been initially received from 13 Parties.⁸² In accordance with Paragraph 3 of the Decision, a compilation of the inputs was circulated by the Secretariat in February 2016 and an updated version was circulated in July 2017.

⁷⁵ See GPA/113, Annex E of Appendix 2, page 444.

⁷⁶ The Symposium featured contributions from diverse non-governmental experts in addition to national experts and representatives of other international organizations. The programme, presentations and bios of the speakers of the Symposium on Sustainable Procurement are available at: https://www.wto.org/english/tratop_e/qproc_e/qproc_symp_22feb17_e.htm.

⁷⁷ See GPA/W/341, dated 30 May 2017 (the Report from the Symposium is publicly available at <https://docs.wto.org>).

⁷⁸ GPA/WPS/SP/11, dated 13 September 2017.

⁷⁹ See, RD/GPA/60, dated 18 May 2018, paragraphs 1.2 – 1.3.

⁸⁰ GPA/WPS/SP/13, dated 1 October 2018.

⁸¹ See GPA/113, Annex D of Appendix 2, 442-443.

⁸² Inputs were received from the following thirteen Parties (i) Canada; (ii) the European Union; (iii) Hong Kong, China; (iv) Japan; (v) Korea; (vi) Liechtenstein; (vii) New Zealand; (viii) Norway; (ix) Singapore; (x) Switzerland; (xi) Chinese Taipei; (xii) Ukraine; and (xiii) the United States.

4.6. In the course of the Committee's meetings in June 2017, the Committee agreed, in a small group format, to further exchanges of information and interested delegations had been invited to provide submissions in regard to the following six issues: (i) classification systems; (ii) the determination of country of origin; (iii) procurement excluded from the GPA; (iv) multi-year contracts; (v) sub-central procurement covered by the Agreement; and (vi) statistical information made available online.⁸³ Responses to some or all of these issues have been received from ten Parties.⁸⁴ In the course of the Committee's meetings held in June 2018, the Committee asked the Secretariat to prepare and circulate a compilation of all responses. The requested compilation was circulated by the Secretariat in October 2018.⁸⁵ In the course of the Committee's discussion in October 2018, the delegation of the European Union indicated that it had circulated a paper identifying possibilities for further progress. A further discussion on the topic is expected to take place in February 2019.

4.3 Work Programme on SMEs

4.7. Concerning the Work Programme on SMEs, Paragraph 1 of the relevant Decision⁸⁶ provides that the Committee shall review measures and policies for SMEs that the Parties use to assist, promote, encourage, or facilitate participation by SMEs in government procurement and prepare a report of the results of the review. Since the initiation of this Work Programme in April 2014, significant work has been done by the Committee.

4.8. Paragraph 3.2(a) of the relevant Decision⁸⁷ provides that the Committee shall survey the Parties, through the use of a Questionnaire seeking information regarding the measures and policies used to assist, promote, encourage, or facilitate participation by SMEs in government procurement. The terms of the questionnaire were agreed in 2015. Altogether, replies to the SME questionnaire have been received from sixteen Parties.⁸⁸ In accordance with Paragraph 3.2(b) of the Decision, a compilation of replies was circulated by the Secretariat in February 2016.

4.9. In February 2016, Parties agreed to carry out an initial exchange of follow-up questions and answers on the basis of the Secretariat's compilation of Parties' responses to the SME questionnaire. Subsequently, written questions were circulated by three Parties⁸⁹ and written answers provided by eleven Parties. A compilation of the questions and answers received was circulated by the Secretariat in October 2016 and an updated version was circulated in July 2017. At the request of the Committee, a short paper identifying possible SME-related issues for discussion by Parties in an informal, small group format, was circulated by the Secretariat in October 2016. At the Committee's meetings in October 2016, Parties were invited to provide contributions on commonalities in their approaches for promoting and facilitating the participation of SMEs of the Parties in government procurement.⁹⁰ Throughout the Committee's meetings in 2017, Parties worked toward the objective of identifying the measures and policies considered to be good or best practices, based on the practices identified in the Parties' non-papers expressing their views on the issue.

4.10. Carrying forward the work on this Work Programme during the period under review, in March 2018, two delegations indicated that they would prepare a document listing the policies and measures that had been identified by the Parties as "best practices", to circulate it in advance of the Committee's June meetings. In the course of the June meetings, the two delegations indicated that they would initiate the process of preparing a draft final report, as mandated by Paragraph 4.1 of the relevant Decision. The draft final report was circulated informally to interested delegations in

⁸³ The relevant questions can be found in documents GPA/WPS/STAT/14, dated 28 April 2017; and GPA/WPS/STAT/24, dated 24 September 2017.

⁸⁴ Responses have been received from the following ten Parties: (i) Canada; (ii) the European Union; (iii) Hong Kong, China; (iv) Japan; (v) Korea; (vi) New Zealand; (vii) Switzerland; (viii) Chinese Taipei; (ix) Ukraine; and (x) the United States.

⁸⁵ GPA/WPS/STAT/29, dated 5 October 2018 and GPA/WPS/STAT/29/Rev.1, dated 5 November 2018.

⁸⁶ See GPA/113, Annex C of Appendix 2, 439-441.

⁸⁷ See GPA/113, Annex C of Appendix 2, 439-441.

⁸⁸ Inputs were received from the following sixteen Parties: (i) Armenia; (ii) Canada; (iii) the European Union; (iv) Hong Kong, China; (v) Japan; (vi) Liechtenstein; (vii) Montenegro; (viii) New Zealand; (ix) Norway; (x) Singapore; (xi) Switzerland; (xii) Chinese Taipei; (xiii) the United States; (xiv) Israel; (xv) Ukraine; and (xvi) Korea.

⁸⁹ Questions concerning 16 GPA Parties have been circulated by Canada, the European Union and the United States.

⁹⁰ Subsequently, such a contribution was provided by a Party.

September 2018. At the Committee's October 2018 meetings, delegations agreed to continue work on the basis of the draft final report. A further discussion on the topic is expected to take place in February 2019.

4.4 Other Work Programmes

4.11. Paragraph 1 of the Decision establishing the Work Programme on Exclusions and Restrictions in Parties' Annexes provides that the Committee shall initiate a Work Programme with the overall objectives of: (i) enhancing transparency with respect to the scope and effect of exclusions and restrictions specified in Parties Annexes; and (ii) providing information relating to exclusions and restrictions to facilitate negotiations provided for in Article XXII:7 of the revised GPA. Since the initiation of the Work Programme on Exclusions and Restrictions in Parties' Annexes in April 2014, significant work has been done by the Committee. Fourteen Parties have provided lists of country-specific and other exclusions or restrictions in their Annexes, as mandated by Paragraph 2 of the Decision. In accordance with Paragraph 3 of the Decision, a compilation of replies was circulated by the Secretariat in January 2016 and an updated version was circulated in February 2017.⁹¹ Regarding the review called for in paragraph 6 of the Decision establishing the Work Programme on Exclusions and Restrictions in Parties' Annexes⁹², and as noted also in the 2016 and 2017 Annual Reports⁹³, the Committee considers that the exchange of information already conducted pursuant to this Work Programme has been useful. Parties that have not yet provided their relevant inputs to the Work Programme, including recently acceded Parties, are cordially requested to do so. Parties desiring additional information concerning any Parties' exclusions and restrictions may so request under the terms of paragraph 4 of the same Decision, or pursuant to their general rights as Parties to the Agreement.

4.12. More generally, with respect to all of the Work Programmes discussed above, the Committee considers that its work has been useful in enhancing transparency and as a contribution to preparations for the eventual further review of the Agreement which is called for in Article XXII:7 of the revised Agreement. It looks forward to further engagement, where appropriate, on these Work Programmes in 2019. Other Work Programmes foreseen at the conclusion of the GPA renegotiation in 2012, for example on Safety Standards in International Procurement; Review of the Use, Transparency and the Legal Frameworks of Public-Private Partnerships, and their Relationship to Covered Procurement; the Advantages and Disadvantages of Developing Common Nomenclature for Goods and Services; and the Advantages and Disadvantages of Developing Standardized Notices⁹⁴, will be taken up as and when the Committee considers this to be useful and timely.

4.13. Similarly, regarding the possibility, pursuant to paragraph 3 of the Decision on adoption of Work Programmes (GPA/113, Annex B, Appendix 2, pp. 438), to periodically review the list of Work Programmes and make appropriate adjustments, this possibility will be activated only as and when it is considered by the Committee to be useful and timely.

4.14. In the course of the Committee's informal meeting in October 2017, the former Chairman (John Newham (Ireland)) invited delegations to consider whether the Committee might wish to undertake an exploration of ongoing technological developments in the world of government procurement and their implications for the Committee's work. In the course of the Committee's meetings in March 2018, two delegations supported the idea of holding a symposium dedicated to the issue.⁹⁵ Another delegation suggested that the Committee should also take into account relevant work done in other international organizations and bodies in this subject-area.⁹⁶ In June 2018, a Party submitted⁹⁷, for the Committee's consideration, a number of concrete suggestions of topics that could be considered in a possible symposium.

⁹¹ The original compilation contained the inputs that had been received from eleven Parties by that time: (i) Armenia; (ii) Canada; (iii) the European Union; (iv) Hong Kong, China; (v) Japan; (vi) Liechtenstein; (vii) Norway; (viii) Singapore; (ix) Switzerland; (x) Chinese Taipei; and (xi) the United States. The revision of the compilation contains the additional inputs that have been circulated by Korea, New Zealand and Israel.

⁹² See GPA/113, Annex F of Appendix 2, 445-446.

⁹³ See GPA/141, dated 29 November 2016, paragraph 4.4. and GPA/145, dated 16 November 2017, paragraph 4.3.

⁹⁴ See GPA/113, Annex G, and GPA/113, Annex B, respectively.

⁹⁵ Ukraine and the European Union, see RD/GPA/60, dated 18 May 2018, paragraphs 3.5 – 3.6.

⁹⁶ The United States, see RD/GPA/60, dated 18 May 2018, paragraph 3.7.

⁹⁷ Ukraine, see RD/GPA/65, dated 20 August 2018, paragraph 3.3.

4.15. Carrying the discussion forward, in the course of the Committee's informal meetings in October 2018, the Chairman undertook to circulate some thoughts as to how discussions regarding possibilities for exploring additional subjects of interest to Parties might be structured. The European Union also agreed to brief the Committee in February 2019 on the discussions on digitalization and related issues that took place at the Conference on related topics held in Lisbon on 18 October 2018 to which GPA Parties were also invited and some of them participated.

5 NOTIFICATIONS UNDER THE AGREEMENT

5.1. This part of the report summarizes information relating to the notifications under the Agreement, including with respect to: (i) the thresholds applicable under the Agreement; (ii) the notification of national implementing legislation; (iii) statistical reporting; (iv) consultations and dispute settlement; and (v) modifications to the Agreement's Appendices.

5.2. The Committee takes note of the notifications made in the course of the reporting period and encourages delegations that have not yet provided relevant notifications to do so.

5.1 Thresholds

5.3. In accordance with the Decision on Modalities for Notifying Threshold Figures in National Currencies⁹⁸, since the last Annual Report, thirteen Parties (Armenia; Canada; the European Union; Hong Kong, China; Israel; Japan; Liechtenstein; Montenegro; Norway; Singapore; Switzerland; Ukraine and the United States of America) have provided information on their respective threshold figures expressed in national currencies (see Table 1 below).

Table 1: The Thresholds in Appendix I of the Agreement as Expressed in National Currencies

Party	Symbol	Date	Period of validity
Armenia	GPA/THR/ARM/1	24/07/2018	From 01/01/2018 to 31/12/2019
Canada	GPA/THR/CAN/1	15/01/2018	From 01/01/2018 to 31/12/2019
European Union	GPA/THR/EU/1	17/04/2018	From 01/01/2018 to 31/12/2019
Hong Kong, China	GPA/THR/HKG/1	20/12/2017	From 01/01/2018 to 31/12/2019
Israel	GPA/THR/ISR/1	17/01/2018	From 01/01/2018 to 31/12/2019
Japan	GPA/THR/JPN/1	07/02/2018	From 01/01/2018 to 31/12/2019
	GPA/THR/JPN/1/Add.1	07/02/2018	From 01/01/2018 to 31/12/2019
Liechtenstein	GPA/THR/LIE/1	15/02/2018	From 01/01/2018 to 31/12/2019
	GPA/THR/LIE/1/Rev.1	19/02/2018	From 01/01/2018 to 31/12/2019
Montenegro	GPA/W/366/Add.15	To be circulated	From 01/01/2015 to 31/12/2017
Norway	GPA/W/336/Add.14	19/06/2018	From 01/01/2016 to 31/12/2017
	GPA/THR/NOR/1	19/06/2018	From 01/01/2018 to 31/12/2019
Singapore	GPA/THR/SGP/1	15/01/2018	From 01/01/2018 to 31/12/2019
Switzerland	GPA/THR/CHE/1	09/01/2018	From 01/01/2018 to 31/12/2019
Ukraine	GPA/THR/UKR/1	26/06/2018	From 01/01/2018 to 31/12/2019
United States	GPA/THR/USA/1	20/12/2017	From 01/01/2018 to 31/12/2019

5.2 Notification of national implementing legislation

5.4. Pursuant to Article XXIV:5(b) of the 1994 Agreement and Article XXII:5 of the revised Agreement, notifications were received from three Parties (Armenia, Japan and Liechtenstein) (see Table 2 below).

⁹⁸ GPA/1, dated 5 March 1996, Annex 3.

Table 2: National Implementing Legislation

Party	Symbol	Date
Armenia	GPA/LEGIS/ARM/1	21/09/2018
	GPA/LEGIS/ARM/2	21/09/2018
Japan	GPA/37/Add.15	03/04/2018
	GPA/99/Add.6	03/04/2018
Liechtenstein	GPA/LEGIS/LIE/1	24/07/2018

5.3 Statistical reporting

5.5. Article XIX:5 of the 1994 Agreement and Article XVI:4 of the revised GPA require Parties to collect and provide, on an annual basis, statistics on their procurements covered by the Agreement. During the period under review, ten Parties (Hong Kong, China; Iceland; Japan; Liechtenstein; Montenegro; Norway; Singapore; Switzerland; Chinese Taipei and the United States) have provided statistical reports (see Table 3 below).

Table 3: Statistics on Procurements Covered by the Agreement

Party	Symbol	Date	Legal Basis	Period covered
Hong Kong, China	GPA/STAT(17)/HKG/1	28/05/2018	Art. XVI:4 revised GPA	2017
Iceland	GPA/STAT(17)/ISL/1	26/04/2018	Art. XVI:4 revised GPA	2017
Japan	GPA/142/Add.9	03/04/2018	Art. XVI:4 revised GPA	2016
Liechtenstein	GPA/STAT(17)/LIE/1	24/10/2018	Art. XVI:4 revised GPA	2017
Montenegro	GPA/137/Add.10	02/03/2018	Art. XVI:4 revised GPA	2015
	GPA/142/Add.7	02/03/2018	Art. XVI:4 revised GPA	2016
Norway	GPA/130/Add.9	13/03/2018	Art. XVI:4 revised GPA	2014
	GPA/137/Add.11	13/03/2018	Art. XVI:4 revised GPA	2015
	GPA/142/Add.8	13/03/2018	Art. XVI:4 revised GPA	2016
Singapore	GPA/137/Add.9	12/01/2018	Art. XVI:4 revised GPA	2015
Switzerland	GPA/STAT(17)/CHE/1	To be circulated	Art. XIX:5 1994 GPA	2017
Chinese Taipei	GPA/STAT(17)/TPKM/1	15/06/2018	Art. XVI:4 revised GPA	2017
United States	GPA/114/Add.8	21/11/2017	Art. XIX:5 1994 GPA	2011
	GPA/119/Add.7	30/10/2018	Art. XIX:5 1994 GPA	2012
	GPA/137/Add.8	28/11/2017	Art. XVI:4 revised GPA	2015
	GPA/142/Add.10	30/10/2018	Art. XVI:4 revised GPA	2016

5.4 Consultations and dispute settlement

5.6. No matters were raised during the reporting period under Article XXII of the 1994 Agreement or Article XX of the revised Agreement (Consultations and Dispute Settlement).

5.5 Notifications relating to the Appendices to the Agreement⁹⁹

5.5.1 Notifications relating to Appendices I of the Agreement

5.7. Since the last Annual Report, three Parties (Japan, New Zealand and Singapore) have notified proposed modifications to Appendix I of the revised Agreement pursuant to Article XIX:1 of the revised GPA (see Table 4 below). In addition, two Parties (Japan and Singapore) have notified proposed modifications to Appendix I of the 1994 GPA pursuant to Article XXIV:6(a) of the 1994 Agreement (see Table 5 below).

5.5.2 Notifications relating to Appendices II to IV of the Agreement

5.8. During the reporting period, there has been no notification relating to Appendices II to IV of the Agreement.

⁹⁹ See also GPA/W/326, dated 19 March 2014 - Committee on Government Procurement - Approval and issuance of updated loose-leaf schedules to the revised Agreement - Note from the Secretariat; and GPA/W/327, dated 11 April 2014 - Committee on Government Procurement - Certification of updated loose-leaf schedules to the revised Agreement - Appendices II-IV - Note from the Secretariat.

Table 4: Modifications to Appendix I that have been notified under Article XIX:1 of the revised GPA

Party proposing modifications	Proposed Modifications		Certification		Status and Remarks
	Doc Symbol	Date	Effective Date	Symbol	
Japan	GPA/MOD/JPN/101	25/09/2018	09/11/2018	WT/Let/1419	The proposed modification has become effective, as no objection was received within 45 days.
New Zealand	GPA/MOD/NZL/5	29/11/2017	13/01/2018	WT/Let/1331	The proposed modification has become effective, as no objection was received within 45 days.
	GPA/MOD/NZL/6	26/02/2018	12/04/2018	WT/Let/1351	The proposed modification has become effective, as no objection was received within 45 days.
	GPA/MOD/NZL/7	23/04/2018	07/06/2018	WT/Let/1356	The proposed modification has become effective, as no objection was received within 45 days.
Singapore	GPA/MOD/SGP/7	07/06/2018	22/07/2018	WT/Let/1382	The proposed modification has become effective, as no objection was received within 45 days.

Table 5: Modifications to Appendix I that have been notified under Article XXIV:6(a) of the 1994 Agreement ¹⁰⁰

Party proposing modifications	Proposed Modification		Certification		Status and Remarks
	Doc Symbol	Date	Effective Date	LET Document Symbol	Remarks
Japan	GPA/MOD/JPN/100	25/09/2018	25/10/2018	WT/Let/1415	The proposed modification has become effective, as no objection was received within 30 days.
Singapore	GPA/MOD/SGP/6	07/06/2018	07/07/2018	WT/Let/1381	The proposed modification has become effective, as no objection was received within 30 days.

¹⁰⁰ A list of outstanding proposed modifications to Appendix I under the 1994 Agreement from 2015 and previous years is provided in GPA/134, dated 16 November 2015, paragraph 5.9.